



MEMO ENDORSED

199 Water Street
New York, NY 10038
(212) 577-3300
www.legal-aid.org

Alan Levine
President

Twyla Carter
Attorney-in-Chief
Chief Executive Officer

Justine M. Luongo
Attorney-in-Charge
Criminal Practice

Mary Lynne Werlwas
Director
Prisoners' Rights Project

Via ECF

November 1, 2023

The Honorable Laura Taylor Swain
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10038

Re: *Nunez v. City of New York*, 11 Civ. 5845 (LTS)

Your Honor:

Pursuant to the Court's Individual Practice Rule 2(h), Plaintiffs seek permission to file a single memorandum of law not to exceed 100 pages in support of the forthcoming motion for contempt and appointment of a receiver.

As discussed at the August 10, 2023 status conference, the Plaintiff Class and the United States will file a motion seeking to hold the Defendants in contempt of the Consent Judgment and remedial orders in this case, as well as seeking the appointment of a receiver. The contempt motion and the application for a receiver each involve different legal standards, as well as a discussion of the Prison Litigation Reform Act. Further, the factual record supporting contempt and receivership is long and complex, involving over eight years of reports from the Monitor. Therefore, a memorandum of law of 100 pages is needed to fully explain the factual and legal basis for the relief sought here.

Defendants take no position on Plaintiffs' request for an oversized memorandum of law, though they have stated they ask that Defendants' opposition brief be granted the same page length.

Respectfully submitted,

/s/

Mary Lynne Werlwas
Kayla Simpson
Katherine Haas
THE LEGAL AID SOCIETY
PRISONERS' RIGHTS PROJECT

Counsel for Plaintiff Class

/s/

Debra L. Greenberger
Jonathan Abady
Vasudha Talla
Sana Mayat
EMERY CELLI BRINCKERHOFF
ABADY WARD & MAAZEL LLP

Counsel for Plaintiff Class

The foregoing request is granted. Defendants are also granted leave to file an opposition memorandum of no longer than 100 pages. DE 591 is resolved.

SO ORDERED.

11/03/2023

/s/ Laura Taylor Swain, Chief USDJ

Justice in Every Borough.